

USA FILE NLS

25 September 1989  
OCA 3291-89

MEMORANDUM FOR: Director of Central Intelligence

FROM: E. Norbert Garrett  
Director of Congressional Affairs

SUBJECT: Intelligence Community Legislative  
Program for Second Session of the  
101st Congress

Action:


1. Attached for your review and approval is a compilation of legislative initiatives proposed by the Agency and the Intelligence Community for the Second Session of the 101st Congress. Your approval of the items for inclusion in the Program does not commit you to support the proposal in the Intelligence Authorization Bill or as free-standing legislation. All it does is signal to the Administration what proposals might be forthcoming from the Intelligence Community.

Background:

2. This is an annual exercise in which we inform the Administration of legislative items that will be of interest to us in the next session of Congress. All components in the Agency, as well as the Intelligence Community, have been solicited for input, and a number have submitted proposals. The inclusion of an item in the program does not irrevocably commit us to seek legislation on the item. Furthermore, we can subsequently push for proposals that may not be currently included in the program. The vehicles we will use to seek legislation of interest will be either the Fiscal Year 1991 Intelligence Authorization Bill or free-standing legislation.


3. While many of these provisions have been proposed in the past, a number are being proposed for the first time. For example, FBI, Army and NSA submitted proposals that were suggested in the NAPA study. The FBI has again proposed that it be given access to social security, consumer credit and tax records. The FBI also has proposed several initiatives that would strengthen its ability to fight terrorism. The CIA has included numerous technical amendments to CIARDS, provisions relating to CIA's Association Benefit (Health Care) Plan, a

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 The Intelligence Community Staff also has proposed that you be granted authority to reprogram money within the National Foreign Intelligence Program across departmental budgets. Several of the proposals from NSA, Army and DIA have not received approval from the Secretary of Defense. We will ensure that such approval is obtained before the proposals are included in the draft FY 1991 authorization bill.

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4. While many of these proposals will be difficult to enact, I recommend that you approve the Legislative Program as drafted. We can drop proposals that do not appear to have much of a chance of succeeding when we are drafting the authorization bill.

  
E. Norbert Garrett

Attachment

DCI Action: Legislative Proposals approved for transmission to OMB  
as proposed *Am to Wiler*  
Alter as noted \_\_\_\_\_

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SUBJECT: Intelligence Community Legislative Program for Second  
Session of the 101st Congress

OCA/LEG/ [ ] (19 Sep 89)

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INTELLIGENCE COMMUNITY  
LEGISLATIVE PROGRAM  
FOR THE SECOND SESSION  
OF THE 101st CONGRESS

LEGISLATIVE PROPOSALS

101/2 - 1:

Fiscal Year 1991 Intelligence  
Authorization Act

The Director of Central Intelligence will submit to the Office of Management and Budget for clearance a proposed Fiscal Year 1991 Intelligence Authorization Act for transmittal to the Congress.

101/2 - 2:

Access by FBI to Certain  
Consumer Credit Records

The Federal Bureau of Investigation (FBI) may propose legislation that would authorize access by the FBI (for counterintelligence purposes) to certain consumer credit records.

101/2 - 3:

Access by FBI to Certain  
Social Security Records

The Federal Bureau of Investigation may propose legislation that would authorize access by the FBI (for counterintelligence purposes) to certain records of the Social Security Administration.

101/2 - 4:

Alien Terrorist Removal Legislation

The Federal Bureau of Investigation may propose legislation that would permit, via an ex parte and in camera hearing,

the deportation from the United States of aliens who can be connected to an act of terrorism anywhere in the world.

101/2 - 5:

FBI Exemption from Position and Classification Requirements of Title 5

The Federal Bureau of Investigation may propose legislation that would, in accordance with a NAPA recommendation, exempt the FBI from the position and classification requirements of Title 5.

101/2 - 6:

Access by the FBI to Certain Taxpayer Information

The Federal Bureau of Investigation may propose legislation that would authorize the FBI access to certain taxpayer information for counterintelligence purposes.

101/2 - 7:

Legislation Concerning Attorney General Authority to Conduct Searches.

The Federal Bureau of Investigation may propose legislation that would prescribe standards for the conduct of searches in counterintelligence investigations within the United States.

101/2 - 8:

Exclusive Terrorism Jurisdiction

The Federal Bureau of Investigation may propose legislation that would provide discretion to the Attorney General or his designee to exercise exclusive domestic jurisdiction over criminal

investigations of terrorist activities.

101/2 - 9:

Terrorist Funding Prohibition

The Federal Bureau of Investigation may propose legislation that would make the financing of terrorist groups unlawful and would provide appropriate penalties.

101/2 - 10:

Foreign Records Act

The Federal Bureau of Investigation may propose legislation that would provide in civil cases provisions similar to those existing in 18 USC 3505, which contain special exceptions to hearsay rules and relax authentication requirements for foreign business records.

101/2 - 11:

DIA Nonofficial Cover Authority

The Defense Intelligence Agency may propose legislation that would provide certain additional authorities to the HUMINT program of the Department of Defense.

101/2 - 12:

DIA Foreign Language Proficiency Incentive Pay

The Defense Intelligence Agency may propose legislation that would authorize the Secretary of Defense to provide incentive pay to civilian employees for foreign language proficiency. This provision is currently pending and will not be pursued if enacted.

101/2 - 13:

DIA Acquisition of Critical Skills

The Defense Intelligence Agency may propose legislation that would provide financial assistance to certain employees in acquisition of critical skills. This provision is currently pending and will not be pursued if enacted.

101/2 - 14:

DIA Training of Certain Foreign Personnel

The Defense Intelligence Agency may propose legislation that would authorize the Secretary of Defense to provide intelligence training to personnel of foreign armed forces.

101/2 - 15:

DIA Acquisition of Foreign Materiel

The Defense Intelligence Agency may propose legislation that would authorize the Secretary of Defense to acquire or exploit foreign materiel important to the military or intelligence interests of the United States.

101/2 - 16:

DIA Employee Tax Equalization

The Defense Intelligence Agency may propose legislation that would exempt from taxation allowances paid to certain Defense Intelligence Agency Employees.

101/2 - 17:

DIA Overseas Personnel Benefits Comparability

The Defense Intelligence Agency may propose legislation that would provide special annuity computation rules for periods of service abroad for certain DIA employees. This provision is currently pending and will not be pursued if enacted.

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101/2 - 20:

CIA Association Benefit Plan Membership

The Central Intelligence Agency may propose legislation that would require new CIA employees who wish to enroll in a federal employee group health insurance program to enroll in the Association Benefit Plan.

101/2 - 21:

Withdrawal of the Association Benefit Plan from the Federal Employees Health Benefits Program

The Central Intelligence Agency may propose legislation that would authorize the CIA to withdraw the Association Benefit Plan from the Federal Employees Health Benefits Program.

101/2 - 22:

Election between CIARDS Survivor Annuity and other Survivor Annuities

The Central Intelligence Agency may propose legislation that would require surviving, current, and previous spouses to choose between CIARDS survivor annuity and any other survivor annuity to which they may be entitled under any other federal government retirement system on the basis of a marriage to someone other than the participant.

101/2 - 23:

CIA Former Spouse Qualifying Time

The Central Intelligence Agency may propose legislation that would establish that the five years of marriage spent outside the United States required to qualify for former spouse status under CIARDS must have been during periods of the participant's service with the Central Intelligence Agency.

101/2 - 24:

Amendment of CIARDS Former Spouse Provisions

The Central Intelligence Agency may propose legislation that would amend CIARDS Former Spouse

provisions regarding termination of annuities due to remarriage by establishing remarriage prior to age 55 as the determining age for termination of benefits applicable to all former spouses.

101/2 - 25:

Funding for CIARDS

The Central Intelligence Agency may propose legislation that would restructure the funding mechanism for CIARDS to assure future viability.

101/2 - 26

Elimination of 15 Year Career Review for CIARDS and FERS Special Category Participants

The Central Intelligence Agency may propose legislation that would eliminate the statutory provisions requiring a 15 year career review for CIARDS and FERS Special Category participants to remain under CIARDS or FERS Special Category for the duration of their Agency service.

101/2 - 27:

Protection of Legislated Survivor Annuity Benefits

The Central Intelligence Agency may propose legislation that would protect legislated survivor annuity entitlements of a spouse, former spouse or previous spouse by limiting lump sum withdrawals of retirement fund contributions by participants who receive benefits under the Federal Employees' Compensation Act

in lieu of an annuity.

101/2 - 28:

Clarification of CIARDS Act  
Relative to CIA's FERS Special  
Category Designees

The Central Intelligence Agency may propose legislation that would establish more specific provisions in the CIARDS Act relative to CIA's FERS Special Category designees to clarify that certain entitlements, options, and obligations pertaining to retirement are different from those authorized for law enforcement officers under title 5.

101/2 - 29:

Survivor Annuities Under CIARDS  
For After-Acquired Spouses

The Central Intelligence Agency may propose legislation that would amend CIARDS to permit a retiree who failed to elect a survivor benefit for a prior spouse to elect a survivor benefit upon remarriage.

101/2 - 30:

Director of Central Intelligence  
Authority to Transfer Money Within  
The Department of Defense Budget

The Intelligence Community Staff may propose legislation that would provide authority for the Director of Central Intelligence, in coordination with appropriate agency comptrollers, to reprogram money within the National Foreign Intelligence Program across departmental budgets.

101/2 - 31:

Relief from Dual Compensation  
Constraints

The Department of the Army may propose legislation that would, consistent with a NAPA recommendation, amend section 5532 of title 5, United States Code, to allow retired members of the uniformed services to obtain employment in the Intelligence Community of the United States Government without a reduction in retired or retainer pay.

101/2 - 32:

Personal Services Contracts

STAT The Department of the Army may propose legislation that would amend section 1342 of title 31, United States Code, to grant the Secretary of the Army the authority to employ personal services in order to meet the Army's requirements to provide instructors [ ] and to provide recruiting support to the Military Intelligence Excepted Civilian Program.

101/2 - 33:

Protection of DoD Covert Agents

The Department of the Army may propose legislation that would amend (paragraph (4) of section 606 of the National Security Act of 1947 (50 U.S.C. 426(4)) to bring under the statute's protection DOD intelligence agents not included in the definition of "covert agent".

101/2 - 34:

Secure Promotions for Certain Military Intelligence Officers

The Department of the Army may propose legislation that would establish a method of securely promoting certain US Army intelligence officers.

101/3 - 35:

Pension Cutoff Following Conviction  
for Espionage in a Foreign Court

The Department of the Army may propose legislation that would amend section 8312 of title 5, United States Code, to expand the current prohibitions against the payment of retired pay to a member of the armed forces or Federal employee who commits a treasonous act against the United States.

101/2 - 36:

Establishment of a Reserve Fund  
for the Acquisition of Foreign  
Military Equipment on a Short  
Notice Basis

The Department of the Army may propose legislation that would amend applicable law to permit the Intelligence Community to maintain a reserve fund for the acquisition of foreign military equipment when and if it becomes available on short notice.

101/2 - 37:

Foreign Material Intelligence  
Group Incentive Pay

The Department of the Army may propose legislation that would permit the Intelligence Community to pay incentive pay to enlisted soldiers who are assigned to the U.S. Army Intelligence and Security Command's Foreign Material Intelligence Group.

101/2 - 38:

Change of Station Entitlements  
for Retiring Military Intelligence  
Excepted Career Program Employees

The Department of the Army may propose legislation that would provide for

payment of permanent change of station entitlements for people on mandatory mobility assignments so as to allow payment of costs associated with the return to a designated home of record upon retirement from Federal Service.

101/2 - 39:

Intelligence Organization  
Exclusions from Labor Relations  
Statutes

The Department of the Army may propose legislation that would, consistent with a NAPA recommendation, amend section 7112 of title 5, United States Code, to exclude all Civilian Intelligence Personnel Management System intelligence related civilian positions from bargaining unit coverage.

101/2 - 40:

Relief from Providing Personnel  
Data Outside DOD

The Department of the Army may propose legislation that would amend applicable law to exempt the military services from providing personnel data to Office of Personnel Management.

101/2 - 41:

Extension of Trial Period for  
DOD Excepted Service Employees

The Department of the Army may propose legislation that would, consistent with a NAPA recommendation, amend applicable law to extend the probationary period for newly hired Military Intelligence Civilian Excepted Career Program employees to more fully evaluate their capabilities on the job prior to awarding the employee fully qualified status.

101/2 - 42:

Pay Banding

The National Security Agency may propose legislation that would, consistent with a NAPA recommendation, authorize NSA to develop a flexible pay system separate from the General Schedule, to allow it to more effectively compete with industry for college graduates in the science and technology areas.

101/2 - 43:

Flexible Bonus Authority

The National Security Agency may propose legislation that would, consistent with a NAPA recommendation, authorize NSA to provide a performance bonus system for recruitment of superior candidates, retention for hard-to-fill critical positions in the field, and relocation bonuses for CONUS field assignments.

101/2 - 44:

Exemption from Government Employees Training Act (GETA)

The National Security Agency may propose legislation that would, consistent with a NAPA recommendation, lift GETA restrictions and allow Intelligence Community agencies to develop projected future skills and knowledge needs and establish graduate study programs for current employees and for high-caliber applicants.

101/2 - 45:

Alignment of Overseas Allowances and Benefits for Intelligence Community Employees with Foreign Service

The National Security Agency may propose legislation that

would, consistent with a NAPA recommendation, expand benefits and allowances available to NSA employees at special cryptologic activities overseas to all NSA employees overseas.

101/2 - 46:

Exclusion of NSA Director from Flag Rank Ceiling

The National Security Agency may propose legislation that would exclude the position of Director, NSA, from being counted against certain military personnel ceilings.